

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In re Arbitration Between

Civil No. 11-3356 (MJD/AJB)

Kestler Financial Group, Inc,

Claimant,

and

**PETITION FOR ORDER
CONFIRMING ARBITRATION
AWARD**

Allianz Life Insurance Company of North
America,

Respondent.

Petitioner and Arbitration Respondent Allianz Life Insurance Company of North America ("Allianz") applies to this Court under 9 U.S.C. § 9 for an order confirming an arbitration award (the "Award") dated October 27, 2011 (AAA Case No. 50 195 T 00344 10) and entering judgment on the Award. In support of this petition, Allianz states as follows:

1. This Court has jurisdiction over this petition under 28 U.S.C. § 1332(a) because the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different states.
2. This Court is a proper venue for this proceeding under 9 U.S.C. § 9 because the Award was made in this district.
3. The materials required by 9 U.S.C. § 13 are attached to the Affidavit of John Edward Connelly, which is filed contemporaneously herewith.



4. The parties submitted their dispute to arbitration before the American Arbitration Association(AAA)/International Centre for Dispute Resolution (ICDR), pursuant to a contractual agreement between them. A true and correct copy of this contract, which is the “agreement” referenced by 9 U.S.C. § 13(a), is attached as Connelly Aff., Exhibit A.

5. Former Hennepin County District Court Judge Robert H. Lynn was selected as the sole arbitrator. Arbitrator Lynn issued two reasoned decisions: (a) a Partial Final Award, dated August 20, 2011; and (b) a Final Award, dated October 27, 2011. The final award includes an order that “Kestler Financial Group, Inc, shall pay Allianz Life Insurance Company of North America \$369,626.50 in arbitrator fees, expert witness fees and reasonable attorney’ fees as required by the 1995 Agent Agreement between the parties.” These are the “awards” as referenced by 9 U.S.C. § 13(b). True and correct copies of these awards are attached as Connelly Aff., Exhibits B and C, respectively.

6. Other than the material submitted to the Court today, there is no “notice, affidavits, or other paper used upon an application to confirm, modify, or correct the award [or] copy of each order of the court upon such an application[.],” as referenced by 9 U.S.C. § 13(b).

7. This Court should confirm the Partial Final Award and Final Award in favor of Allianz and enter judgment against Kestler Financial Group, Inc., pursuant to 9 U.S.C. § 9.

WHEREFORE, Allianz respectfully requests that the Court enter an Order confirming the Award in this case and directing the entry of final judgment in favor of Allianz against KFG as follows:

1. Judgment in the amount of \$369,626.50;
2. Interest on the judgment amount at the highest legal interest rate allowed in the state of Minnesota from the date of the Award (October 27, 2011); and
3. Such other costs and fees related to this action as may be contemplated by and recoverable under Fed. R. Civ. P. 54.

Dated: November 15, 2011

Respectfully submitted,

s/John Edward Connelly

FAEGRE & BENSON LLP

Randall E. Kahnke (MN #202745)

RKahnke@faegre.com

John Edward Connelly (MN #237656)

JConnelly@faegre.com

Michelle E. Weinberg (MN #0388771)

MWeinberg@faegre.com

2200 Wells Fargo Center

90 South Seventh Street

Minneapolis, Minnesota 55402-3901

Telephone: (612) 766-7000

Fax: (612) 766-1600

**Attorneys for Allianz Life Insurance
Company of North America, Inc.**



843370
11. 06-3356 M301
AJB

JOHN EDWARD CONNELLY
jconnelly@faegre.com
612/766-7066

November 15, 2011

Clerk of District Court
United States District Court
300 South Fourth Street, Suite 202
Minneapolis, MN 55415

BY MESSENGER

RECEIVED
NOV 15 2011
U.S. DISTRICT COURT
CLERK
MINNEAPOLIS, MINNESOTA

**Re: Allianz Life Insurance Company of North America
v. Kestler Financial Group, Inc.
(AAA Case No. 50 195 T 00344 10)**

Dear Clerk:

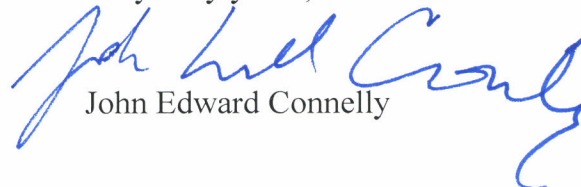
Enclosed for filing regarding the above arbitration matter, please find the following:

- 1) Petition for Order Confirming Arbitration Award;
- 2) Affidavit of John Edward Connelly, with Exhibits A, B, and C;
- 3) Notice of Application;
- 4) Respondent's Corporate Disclosure Statement;
- 5) LR7.1(c) Word Count Compliance Certificate;
- 6) Civil Cover Sheet; and
- 7) Certificate of Service.

Also enclosed is a check in the amount of \$350.00 to cover the filing fee.

Please let me know if you have any questions. Thank you.

Very truly yours,


John Edward Connelly

fb.us.7608101.01

Enclosure

cc: Alan B. Croft
Thomas E. Pursell

2200 Wells Fargo Center | 90 South Seventh Street | Minneapolis, Minnesota 55402-3901

Telephone +1 612 766 7000 Facsimile +1 612 766 1600 faegre.com

USA | UK | China